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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**
16

17 ABBOTT DIABETES CARE INC. and
18 ABBOTT LABORATORIES

19 Plaintiffs/Counterdefendants,

20 v.

21 ROCHE DIAGNOSTICS CORPORATION,
22 ROCHE DIAGNOSTICS OPERATIONS,
INC. and BAYER HEALTHCARE LLC,

23 Defendants/Counterplaintiffs.
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CASE NO. 05-CV 3117 MJJ (BZ)

**DECLARATION OF PARISA JORJANI IN
SUPPORT OF DEFENDANTS BAYER AND
ROCHE'S JOINT MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY
OF THE '745 PATENT**

Date: December 12, 2007
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Hon. Martin J. Jenkins

1 I, Parisa Jorjani, declare as follows:

2 1. I am an associate at Morrison & Foerster LLP, counsel for defendant Bayer
3 Healthcare LLC (“Bayer”) in this action. I make this declaration based on personal
4 knowledge and could testify competently to the facts stated herein.

5 2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent
6 6,592,745 (Feldman).

7 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the
8 deposition of Dr. Allen Bard, dated October 18, 2007.

9 4. Attached hereto as Exhibit 3 is a true and correct copy of Claim Construction
10 Order filed in this matter on April 27, 2007.

11 5. Attached hereto as Exhibit 4 is a true and correct copy U.S. Patent 6,071,391
12 (Gotoh).

13 6. Attached hereto as Exhibit 5 is a true and correct copy of Abbott’s Amended
14 Objections and Responses to Bayer’s First Set of Interrogatories, dated September 12, 2007.

15 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the
16 deposition of Dr. Allen Bard, dated October 19, 2007.

17 8. Attached hereto as Exhibit 7 is a true and correct copy of Rebuttal Expert
18 Report of Dr. Allen Bard-Validity of ‘745 and ‘164 Patents, dated October 5, 2007.

19 9. Attached hereto as Exhibit 8 is a true and correct copy of the Expert Report of
20 Dr. Allen Bard, dated September 12, 2007.

21 10. Attached hereto as Exhibit 9 is a true and correct copy of Second Preliminary
22 Claim Construction Statement, dated October 24, 2006.

23 11. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit 2 to
24 Abbott’s Final Infringement Contentions – Bayer, dated May 29, 2007.

25 12. Attached hereto as Exhibit 11 is a true and correct copy of the Claim
26 Construction Order for Case No. 04-2123, dated August 31, 2006.

27 13. Attached hereto as Exhibit 12 is a true and correct copy of Abbott’s Amended
28 Answers to Bayer’s Second Set of Interrogatories, dated July 20, 2007.

1 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the
2 deposition of E. Heller, dated August 17, 2007.

3 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the
4 30(b)(6) deposition of B. Feldman, dated June 20, 2007.

5 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the
6 deposition of B. Feldman, dated August 14, 2007.

7 17. Attached hereto as Exhibit 16 is a true and correct copy of documents Bates
8 labeled BAYER0402567 – 68; BAYER0402571 – 72.

9 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the
10 deposition transcript of J. McCann, dated July 19, 2007.

11 19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the
12 deposition of N. Blair, dated July 20, 2007.

13 20. Attached hereto as Exhibit 19 is a true and correct copy of Def. Ex. 247.

14 21. Attached hereto as Exhibit 20 is a true and correct copy of Def. Ex. 249 & 250

15 22. Attached hereto as Exhibit 21 is a true and correct copy of Def. Ex. 285.

16 23. Attached hereto as Exhibit 22 is a true and correct copy of documents Bates
17 labeled BAYER0397609 – BAYER0397610; BAYER0266791 – BAYER0266796).

18 24. Attached hereto as Exhibit 23 is a true and correct copy of the International
19 Patent Application No WO 98/35225.

20 25. Attached hereto as Exhibit 24 is a true and correct copy of Abbott's Markman
21 Hearing slides.

22 26. Attached hereto as Exhibit 25 is a true and correct copy of the excerpts from
23 the deposition of A. Heller, dated January 19, 2006.

24 27. Attached hereto as Exhibit 26 is a true and correct copy of the International
25 Patent Application No. WO 98/55856.

26 28. Attached hereto as Exhibit 27 is a true and correct copy of the International
27 Patent Application No. WO 00/28068.

